

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Shawn E. Pauling, #210357,	)	C.A. No. 2:05-3196-TLW-RSC
	)	
Petitioner,	)	
	)	
vs.	)	ORDER
	)	
Colie Rushton; and Henry McMaster,	)	
Attorney General of the State of South Carolina,	)	
	)	
Respondents.	)	
	)	

This is a petition for writ of *habeas corpus* relief under Title 28, United States Code, Section 2254, filed on November 14, 2005. (Doc. # 1). This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Robert S. Carr, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Carr recommends that the above-captioned case be dismissed without prejudice and without requiring the respondents to file a return. (Doc. # 5).

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the

applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 5), and the above-captioned case is **DISMISSED** without prejudice and without requiring the respondents to file a return.

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
**TERRY L. WOOTEN**  
**UNITED STATES DISTRICT JUDGE**

February 6, 2006  
Florence, South Carolina